

REMARKS

Consideration and allowance of the subject application are respectfully requested.

Claim 9 is pending in the application. Claim 9 has been amended to recite the hydrate form of Cefdinir obtained and to incorporate the subject matter of base claim 5. No claims have been amended to overcome prior art. No new matter has been added. The full doctrine of equivalents applies to each claim element.

The rejection of claims 1-8 and 11-16 under 35 U.S.C. § 112, second paragraph, on page 2 of the Office Action, is obviated by the cancellation of claims 1-8 and 11-16 without prejudice set forth above. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, on page 3 of the Office Action, is obviated in part by the cancellation of claims 1-8 and 11-16 without prejudice and also the amendment of claim 9 to remove the term "novel" as set forth above. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejection of claims 5-10 and 14-19 under 35 U.S.C. § 112, first paragraph, on page 3 of the Office Action, is obviated in part by the cancellation of claims 1-8 and 11-16 without prejudice and also the amendment of claim 9 to recite that the form of Cefdinir is Cefdinir hydrate, as set forth above. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejections of claims 1-8 and 10-16 under 35 U.S.C. § 112, first and second paragraphs, on pages 3-4 of the Office Action, are obviated by the cancellation of claims 1-8 and 11-16 without prejudice as set forth above. Accordingly, withdrawal of the Section 112 rejections is respectfully requested.

The conflict of claims 1-8 and 11-16 with claims 1, 4, 5, 7-9, 12-18 and 20-23 of copending U.S. App'n Ser. No. 10/405,648 (hereinafter "the '648 application"), and the rejection of claims 1-8 and 11-16 under nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 7-9, 12-18 and 20-23 of the '648 application are obviated by the amendment to cancel conflicting claims 1-8

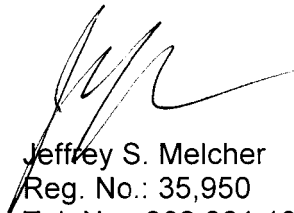
and 11-16 without prejudice as set forth above. Accordingly, withdrawal of the conflict and double-patenting rejection are respectfully requested.

The rejection of claims 1-8 and 11-16 under 35 U.S.C. § 103(a) as being obvious over the '648 application is obviated by the cancellation of claims 1-8 and 11-16 without prejudice set forth above. Accordingly, withdrawal of the Section 103 rejection is respectfully requested.

Entry of this amendment is respectfully requested.

Respectfully submitted,

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